

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRE FONSECA,

Plaintiff,

-against-

COMMISSIONER CYNTHIA BRANN, *et al.*,

Defendants.

20-CV-9398 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated November 13, 2020, the Court directed Plaintiff, within thirty days, to either submit a completed request to proceed *in forma pauperis* (IFP) application and prisoner authorization or to pay the \$400.00 in fees that are required to bring a civil action in this Court.¹ That order specified that failure to comply would result in dismissal of the complaint. On January 5, 2021, the order was returned to the Court with a notation on the envelope indicating that Plaintiff is no longer held at that facility. Plaintiff has not complied with the Court's order, has failed to notify the Court of a change of mailing address, and has not initiated any further contact with the Court, written or otherwise. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

¹ On December 1, 2020, the filing fees required to file a federal civil action increased to \$402.00 – a \$350.00 filing fee plus a \$52.00 administrative fee. Because Plaintiff's action was filed prior to December 1, 2020, the increased filing fees do not apply to this action.

Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 12, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written above a horizontal line.

COLLEEN McMAHON
Chief United States District Judge